

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-24 are pending. Claims 1, 5-7, 11-13, 17, and 18 are amended. Claims 1, 7, and 13 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Request for Withdrawal of Finality of Rejection / Reasons for Entry of Amendments

First of all, in the Reply dated September 15, 2006 to the Office Action dated May 15, 2006, no claims were amended. In response to this latest Office Action, the Applicants respectfully submit that at least dependent claims 5, 11, and 17 as previously presented contain allowable subject matter. The Applicants respectfully submit that the Examiner has erred in his rejection of claims 5, 11, 17 based on the combination of Anderson et al. and Matsumoto et al.

By way of this Amendment, the Examiner will note that independent claims 1, 7, and 13 have been amended to incorporate subject matter that was previously contained in claims 5, 11, and 17 respectively. Since independent claims 1, 7, 13 as amended (and all other pending claims) merely contain subject matter that has been previously examined by the Examiner, the claims as amended herein do **NOT** contain new subject matter that would raise new issues or warrant another search of the art by the Examiner.

Therefore, it is respectfully requested that the Examiner withdraw the Finality of the Final Rejection and that this Amendment be entered into the Official File in view of the fact

MSW/CTT/af

that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-4, 7-10, 13-16, and 19-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. (U.S. 6,999,637); and claims 5, 6, 11, 12, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. in view of Matsumoto et al. (U.S. 6,229,566). These rejections are respectfully traversed.

Amendments to Independent Claims 1, 7, and 13

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, each of independent claims 1, 7, and 13 has been amended to recite a combination of features, including *inter alia*

a digital camera ... ,

a plurality of images obtained by a digital camera are arranged in a desired layout, the images being obtained according to desired ones of recommended composition data sets stored in the digital camera, ...

reading (or reading means for reading) the image data sets obtained according to desired ones of recommended composition data sets stored in the digital camera and the accompanying information added thereto from the recording medium, ...

wherein the digital camera includes display means for displaying a recommended composition image represented by a desired one of the recommended composition data sets in superposition on an image represented by the image data obtained by the photographing means.

Support for the features above can be seen in FIGS. 2 and 7, which clearly disclose the digital camera storing, reading, and superposing a desired one of the recommended composition data sets during the process of obtaining the image by the photographing means.

As the Examiner will note, the features added to each of independent claims 1, 7, and 13 have been amended by way of this Amendment is subject matter previously set forth in claims 5, 11, and 17, respectively.

On page 2 and 6 of the Office Action, the Examiner has rejected claims 5, 11, 17 based on the combination of Anderson et al. and Matsumoto et al. The Examiner concedes that Anderson et al. fail to give any further details as to the operation of the digital camera.

The Examiner then goes on to assert that Matsumoto et al. discloses a digital camera (FIG. 3) including *“storage means (storage unit 104 and storage unit 109, FIG. 1) for storing recommended composition data sets representing images of recommended composition at various photographing locations by relating photographing information including location*

information representing locations to the recommended composition data sets ... further disclosed is that the picture images are classified into albums based in (on) photographing information, FIG. 5, ...

display means (display 113, FIG. 1)"for displaying a recommended composition image represented by the desired recommended composition data set in superposition on an image represented by the image data obtained by the photographic means (FIG. 9)..."

The Applicants respectfully disagree with the Examiner's conclusion.

A careful review of Matsumoto et al. column 8, lines 28-35, column 9, line 56 to column 10, line 58, and FIGS. 1 and 5-9, indicate that display 113 of the storage and display unit 102 merely receives data that has been previously captured by the capturing unit 101 and stored in the storage unit 104 of the camera. FIGS. 5-9 of Matsumoto et al. merely illustrate different view of the display unit 113 including icons 502-506, 601-605, 701, 801, etc. that are used to organize images into album and to edit images (enlarging, reducing, rotating, trimming, etc.) to be put into albums after the image has been captured.

On the other hand, with the present invention as set forth in claims 1, 7, and 13,

the *"digital camera includes display means for displaying a recommended composition image represented by a desired one of the recommended composition data sets in superposition on an image represented by the image data obtained by the photographing means"*, and then

“the digital camera obtains the image data sets according to desired ones of recommended composition data sets stored in the digital camera and the accompanying information added thereto from the recording medium”.

In other words, in the present invention, the recommended composition data displayed on the display means is used to guide the user of the digital camera while obtaining the image with the photographing means. By contrast, even if the capturing unit 101 of Matsumoto et al. is combined with the storage/display 14, the display means 113 of Matsumoto et al. is merely used for organizing and editing images for albums after they have been captured. The icons on the display means 113 of Matsumoto et al. have nothing to do with obtaining/capturing images with image pick up 103 of the capturing unit 101.

Thus, Matsumoto et al. do teach or suggest the subject matter set forth in claims 5, 11, and 17, which has now been incorporated, respectively, into independent claims 1, 7, and 13.

At least for the reasons described above, the Applicants respectfully submit that the combination of features set forth in each of independent claims 1, 7, and 13 is not disclosed or made obvious by the prior art of record, including Anderson et al. and Matsumoto et al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, independent claims 1, 7, and 13 and claims dependent thereon are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 5, 6, 11, 12, 17, and 18 have been amended merely to reflect the amendments to independent claims 1, 7, and 13 from which they depend.

All dependent claims are in condition for allowance due to its dependency from an allowable independent claim, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) and §103(a) are respectfully requested.

All claims of the present invention are now in condition for allowance. Further, each of claims 1, 5-7, 11-13, 17, and 18, as amended herein, includes subject matter that has been previously examined by the Examiner. No unexamined subject matter has been added to any claim.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Dated: March 1, 2007

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant